

REMARKS

Claims 1-15 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

The Applicant thanks the Examiner for the thorough examination of the present pending claims. Nevertheless, the Applicant submits that the previously presented claims 6-15 are not directed to an independent or distinct invention from that originally claimed in Claims 1-5. In particular, independent Claim 1 as originally filed recites "heating means communicating with said valve means for heating the liquid". Originally filed Claim 2 recites "a heating source communicating with a delivered liquid down stream of said valve means". Further originally filed Claim 3 recites "a heating chamber in said housing adjacent said piercing valve member". Therefore, the Applicant submits that a heating mechanism or means for heating was presented in the originally filed claims and therefore Claims 6-15 are not directed to an independent or distinct invention. Therefore, the Applicant requests that the Examiner allow each of Claims 6-15 as well.

DOUBLE PATENTING

Claims 1-5 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-9 of U.S. Patent No. 6,619,188.

Submitted with this response is a Terminal Disclaimer disclaiming the terminal portion of U.S. Patent No. 6,619,188. It is submitted that the Terminal Disclaimer obviates the double patenting rejection and Applicant requests that the Examiner withdraw the rejection and allow each of the rejected claims.

ALLOWABLE SUBJECT MATTER

Applicant notes that Examiner has stated that Claims 1-5 are allowable over the prior art of record because the prior art fails to disclose or render obvious the combination of the claimed piercing member and expansion volume.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: 12/10/04

By: 

Michael L. Taylor
Reg. No. 50,521

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

MLT/lkj